



THE LAW OFFICE OF

TRICIA S. LINDSAY

Civil Rights  
Labor Law  
Criminal Defense  
Family Law  
Wills, Trusts, and Estate

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**H3 758**

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*Lindsay to Hon. Judge Gorenstein Resp reg. videos of service July 10, 2025*

*Page 2*

title, and his face is visible as he serves the Chief Clerk of the Rockland County Supreme Court.

3. **“Service\_Emily\_Hirshowitz\_04-29-2025.mp4”** – This video captures the service of process on Emily Hirshowitz on April 29, 2025, at her residence, as performed by Manuel Gomez. In the video, Mr. Gomez identifies himself by his full name and title.

These videos are referenced and authenticated in the affidavits of service (attached here) previously filed with the Court by Manuel Gomez (see Docket #122-1 and Docket #124-1 for the affidavit concerning Emily Hirshowitz, and Docket #38-2 for the affidavit concerning the Judicial Defendants). Specifically:

- In his affidavit dated June 20, 2025, Mr. Gomez attests to the video recording of the service on Emily Hirshowitz on April 29, 2025, noting that the recording captures the circumstances at the residence, including the barking dog (Docket #122-1, ¶ 8). This affidavit authenticates the video “Service\_Emily\_Hirshowitz\_04-29-2025.mp4.”
- In his affidavit dated June 20, 2025, Mr. Gomez attests to the video recording of the service on the Judicial Defendants on November 18, 2024, confirming that the interaction with the supervising clerk at the Rockland County Supreme Court was captured on video (Docket #38-2, ¶ 4). This affidavit authenticates both the shorter video “Chief Clerk Being Served 11-18-2024.mp4” and the full-length video “Service\_Judicial\_Defendants\_Full\_11-18-2024.mp4,” as it describes the recorded interaction with the clerk, which is depicted in both videos.

Regarding the Court’s assertion that only the April 29, 2025, video has been authenticated by a witness (Docket #137), Plaintiff respectfully submits that both the April 29, 2025, video and the November 18, 2024, videos (both the shorter and full-length versions) are authenticated by Mr. Gomez’s affidavits. Specifically, the affidavit concerning Emily Hirshowitz (Docket #122-1, ¶ 8) authenticates the April 29, 2025, video, and the affidavit concerning the Judicial Defendants (Docket #38-2, ¶ 4) authenticates the November 18, 2024, videos. Additionally, in both the April 29, 2025, and November 18, 2024, videos, Mr. Gomez identifies himself by his full name and title, and in the November 18, 2024, videos, his face is visible, providing further corroboration of his identity and actions.

Plaintiff apologizes for any confusion caused by the prior file names and the submission of non-video files, as well as for the delay in uploading the videos. The Court’s file server was extremely slow and repeatedly rejected one of the videos, which caused difficulties in ensuring timely submission. The retransmitted .mp4 files have been renamed to clearly correspond to the dates of service (November 18, 2024, and April 29, 2025) to facilitate the Court’s review. However, should the court require additional authentication, Mr. Gomez has provided an additional document (attached here) authenticating the video of his service on the judicial defendants on 11-18-2024.

*Lindsay to Hon. Judge Gorenstein\_Resp reg. videos of service*

*July 10, 2025*

*Page 3*

Plaintiff respectfully requests that the Court accept these retransmitted video files as compliant with the Order, recognize the authentication of all three videos as provided by Mr. Gomez's affidavits, and consider them in connection with the pending matter. Counsel for Defendants Hirshowitz, and Judges Eisenpress, and Zugibe were previously provided with copies of the same videos and were provided the videos with the updated names. Thank you for your attention to this submission.

We thank the Court for its kind consideration.

Respectfully submitted,

/s/ Tricia Lindsay  
Tricia S. Lindsay, Esq.

cc: All Counsel of Record (via ECF)

AO 440 (Rev. 06/12) Summons in a Civil Action (Page 2)

Civil Action No. \_\_\_\_\_

**PROOF OF SERVICE***(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for (name of individual and title, if any) Judge Sherri Eisenpress  
 was received by me on (date) 11-15-2024.

☐ I personally served the summons on the individual at (place) \_\_\_\_\_  
 on (date) \_\_\_\_\_; or

☐ I left the summons at the individual's residence or usual place of abode with (name) \_\_\_\_\_  
 \_\_\_\_\_, a person of suitable age and discretion who resides there,  
 on (date) \_\_\_\_\_, and mailed a copy to the individual's last known address; or

☒ I served the summons on (name of individual) Video Recorded Service To  
Chief Court Clerk, who is  
 designated by law to accept service of process on behalf of (name of organization) \_\_\_\_\_

Rockland County House 15 MAIN ST. New City N.Y. on (date) 11-18-2024; or  
10956

☐ I returned the summons unexecuted because \_\_\_\_\_; or

☐ Other (specify): \_\_\_\_\_

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ 0.00.

I declare under penalty of perjury that this information is true.

Date: 11-18-2024

Manuel Gomez  
 Server's signature

MANUEL GOMEZ - PRIVATE INVESTIGATOR  
 Printed name and title

2820 MIDDLETOWN RD APT-19  
BRONX N.Y. 10461  
 Server's address

Additional information regarding attempted service, etc:





AO 440 (Rev. 06/12) Summons in a Civil Action (Page 2)

Civil Action No. \_\_\_\_\_

**PROOF OF SERVICE***(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for (name of individual and title, if any) Judge Thomas Zugibe  
 was received by me on (date) 11-15-2024.

☐ I personally served the summons on the individual at (place) \_\_\_\_\_  
 on (date) \_\_\_\_\_; or

☐ I left the summons at the individual's residence or usual place of abode with (name) \_\_\_\_\_  
 \_\_\_\_\_, a person of suitable age and discretion who resides there,  
 on (date) \_\_\_\_\_, and mailed a copy to the individual's last known address; or

☒ I served the summons on (name of individual) Video Recorded Service To  
Chief Court Clerk, who is  
 designated by law to accept service of process on behalf of (name of organization) Judge Thomas Zugibe  
Rockland County Court House 25 main st. New City on (date) 11-18-2024; or  
N.Y. 10956

☐ I returned the summons unexecuted because \_\_\_\_\_; or

☐ Other (specify): \_\_\_\_\_

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ 0.00.

I declare under penalty of perjury that this information is true.

Date: 11-18-2024

Manuel Gomez  
 Server's signature

MANUEL Gomez-Private Investigator  
 Printed name and title

2820 middletown Rd Apt-19

Bronx NoY. 10461  
 Server's address

Additional information regarding attempted service, etc:

**AFFIDAVIT OF MANUEL GOMEZ**

**STATE OF NEW YORK**

**COUNTY OF WESTCHESTER**

I, Manuel Gomez, being duly sworn, depose and say:

1. I am a licensed private investigator in the State of New York, employed by Black Ops Private Investigators. I have over 12 years of experience serving hundreds of legal documents. I am a Desert Storm veteran, a retired Army Intelligence Officer, and hold certifications in Counter-Terrorism and Homeland Security, as well as high-level security clearances.
2. This affidavit is provided to document my actions in connection with the service of process upon Emily Hirshowitz in the matter of *Jimenez-Fogarty v. Fogarty, et al.*, Case No. 1:24-cv-08705 (JLR) (GWG), pending in the United States District Court for the Southern District of New York.
3. I was engaged by Sai Malena Jimenez-Fogarty to serve the summons and Second Amended Complaint upon Emily Hirshowitz at her residence.
4. On April 28, 2025, at approximately 5:00 p.m., I attempted to personally serve Ms. Hirshowitz at her residence. I rang the doorbell and knocked on the door, but no one answered. I received no indication that anyone was present at the time.
5. On April 29, 2025, at approximately 9:30 a.m., I made a second attempt to personally serve Ms. Hirshowitz at the same residence. Upon my arrival, I rang the doorbell and knocked on the front door. I observed a window was open, and I distinctly heard a dog barking within the residence, followed immediately by a clear "shush" sound from an individual, after which the dog ceased barking and was then moved to the rear of the property. Despite the clear indication of an occupant, no individual answered the door or otherwise responded to my presence.
6. After these unsuccessful attempts, on April 29, 2025, I affixed the summons and complaint to the door of Ms. Hirshowitz's residence in accordance with N.Y. C.P.L.R. § 308(4). The affixation was performed securely and conspicuously to ensure notice.
7. On the same day, April 29, 2025, I mailed the complaint, along with 55 exhibits totaling over 200 pages, to Ms. Hirshowitz's residence via USPS certified mail.
8. The service was recorded on video. The recording captures the circumstances at the residence, including the barking dog on April 29, 2025.
9. My actions were performed diligently, professionally, and in compliance with applicable legal standards for service of process.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct to the best of my knowledge and belief.

**Executed on this 20th day of June 2025, in New City, New York.**

/s/ Manuel Gomez

Manuel Gomez

Licensed Private Investigator

Black Ops Private Investigators



**Sworn to before me this 20th day of June 2025**

/s/ [Notary Public]

Notary Public, State of New York

Commission No.: [Redacted]

My Commission Expires: [Redacted]



**NINA EPSTEIN**  
**Notary Public - State of New York**  
**No. 01EP0008888**  
**Qualified in Ulster County**  
**My Commission Expires May 31, 2027**

**AFFIDAVIT OF MANUEL GOMEZ**

**STATE OF NEW YORK  
COUNTY OF WESTCHESTER**

I, Manuel Gomez, being duly sworn, depose and say:

1. I am a licensed private investigator in the State of New York, employed by Black Ops Private Investigators. I have over 12 years of experience serving hundreds of legal documents. I am a Desert Storm veteran, a retired Army Intelligence Officer, and hold certifications in Counter terrorism and Homeland Security, as well as high-level security clearances.
2. This affidavit is provided to document my actions in connection with the service of process in the matter of *Jimenez-Fogarty v. Fogarty, et al.*, Case No. 1:24-cv-08705 (JLR) (GWG), pending in the United States District Court for the Southern District of New York.
3. I was retained by Sai Malena Jimenez-Fogarty to serve the summons and complaint upon Hon. Sherri L. Eisenpress and Hon. Thomas Zugibe at their place of business, the Rockland County Supreme Court, located at 1 South Main Street, New City, NY 10956.
4. On November 18, 2024, at approximately 10:30 a.m., I personally delivered the summons and complaint to a supervising clerk in the Office of the Chief Clerk at the Rockland County Supreme Court. The clerk verbally confirmed her authority to accept service on behalf of both Judge Eisenpress and Judge Zugibe. This interaction was captured on video.
5. I provided the supervising clerk with two copies of the summons and complaint, one for each judge, and she acknowledged receipt, affirming her role as an authorized recipient. The delivery was conducted with professionalism, consistent with my training and experience as a licensed private investigator.
6. I performed these actions diligently and in accordance with applicable legal standards for service of process.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct to the best of my knowledge and belief.

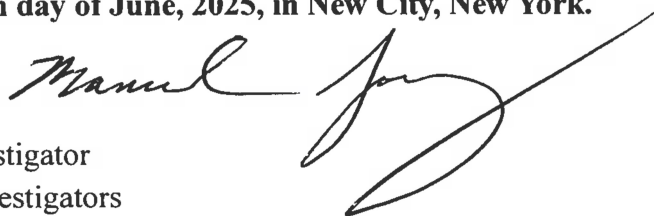
**Executed on this 20th day of June, 2025, in New City, New York.**

/s/ Manuel Gomez


Manuel Gomez

Licensed Private Investigator

Black Ops Private Investigators

A handwritten signature in black ink, appearing to read 'Manuel Gomez', is written over a large, stylized, handwritten 'X' or similar mark.

**Sworn to before me this 20th day of June, 2025**

/s/ [Notary Public] 

Notary Public, State of New York

Commission No.: [Redacted]

My Commission Expires: [Redacted]

**NINA EPSTEIN**  
**Notary Public - State of New York**  
**No. 01EP0008888**  
**Qualified in Ulster County**  
**My Commission Expires May 31, 2027**



## **Authentication Document for Video Evidence**

**Service of Process on November 18, 2024**

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

**Case No. 1:24-cv-08705-JLR-GWG**

**Sai Malena Jimenez-Fogarty v. Fogarty, et al.**

### **AUTHENTICATION DOCUMENT FOR VIDEO EVIDENCE**

I, Manuel Gomez, hereby authenticate the video evidence submitted to the Court in connection with the service of process upon Hon. Sheri L. Eisenpress and Hon. Thomas Zugibe on November 18, 2024, in the above-captioned matter. This document verifies the authenticity, context, and relevance of the video recordings titled "Chief Clerk Being Served 11-18-2024.mp4" and "Service\_Judicial Defendants Full 11-18-2024.mp4," with particular emphasis on the critical moment of service delivery to Supervising Clerk Alicia Kaye.

### **Declarant's Qualifications**

I am a licensed private investigator in the State of New York, employed by Black Ops Private Investigators. With over 12 years of experience serving hundreds of legal documents, I am a Desert Storm veteran, a retired Army Intelligence Officer, and hold certifications in Counter-Terrorism and Homeland Security, as well as high-level security clearances. My professional expertise ensures that all actions, including the service of process, are executed diligently and in strict compliance with applicable legal standards.

### **Context of Service and Video Recordings**

On November 18, 2024, I was retained by Sai Malena Jimenez-Fogarty to effectuate service of the summons and complaint upon Hon. Sheri L. Eisenpress and Hon. Thomas Zugibe at their actual place of business, the Rockland County Supreme Court, located at 1 South Main Street, New City, NY 10956. The service was performed in accordance with Federal Rule of Civil Procedure (FRCP) Rule 4(e) and New York Civil Practice Law and Rules (CPLR) § 308(2), which authorize service by delivering documents to an authorized agent at the individual's actual place of business, followed by mailing.

Upon arriving at the Rockland County Courthouse, I was directed to the Office of the Chief Clerk, outside the customer service window, rather than being permitted to serve the judges directly in the courtroom. I informed the supervising clerk, Alicia Kaye, that I was prepared to serve the judges personally in the courtroom or, alternatively, at their residential addresses, stating:

"If you want, I will go to the courtroom and serve them directly, but they are getting served today one way or another—either by you here, or by me at their house."

### **Critical Moment of Service Delivery**

Supervising Clerk Alicia Kaye instructed me to “Push it through the window.” Pursuant to her direction, I physically delivered two copies of the summons and complaint—one for each judge—through the designated court service window to Ms. Kaye, who verbally confirmed her authority to accept service on behalf of both Hon. Sheri L. Eisenpress and Hon. Thomas Zugibe. Upon delivery, I stated, “You’ve been served,” and explicitly informed Ms. Kaye that I was video recording the transaction for evidentiary purposes, in compliance with New York law. This critical interaction is clearly depicted in both video recordings, with the full-length version ("Service\_Judicial Defendants Full 11-18-2024.mp4") capturing the exchange at approximately the 1:11-minute mark.

Following the delivery, Ms. Kaye became visibly agitated after I told her I recorded the service, raised her voice, and followed me, actions that appeared intended to obstruct or intimidate me in the lawful discharge of my duties. To ensure full compliance with CPLR § 308(2), I mailed copies of the summons and complaint to the judges’ actual place of business on November 18, 2024, via first-class mail, as required.

### **Description of Video Evidence**

The video recordings, titled "Chief Clerk Being Served 11-18-2024.mp4" (short version) and "Service\_Judicial Defendants Full 11-18-2024.mp4" (full-length version), provide an accurate and unaltered depiction of the service of process on November 18, 2024. The videos capture the following key elements:

- My arrival at the Office of the Chief Clerk at approximately 10:30 a.m.
- My verbal interaction with Supervising Clerk Alicia Kaye, including my offer to serve the judges directly in the courtroom or at their residences.
- Ms. Kaye’s instruction to “Push it through the window” and my subsequent delivery of the summons and complaint through the service window, with her verbal confirmation of authority to accept service.
- My statement, “You’ve been served,” and notification that the transaction was being recorded.
- Ms. Kaye’s subsequent agitation and actions following the delivery.

In both videos, I identify myself by my full name, Manuel Gomez, and my title as a licensed private investigator, with my face visible for additional corroboration. The recordings were made using a standard video recording device and have not been altered or edited. The videos are authentic, relevant under Federal Rule of Evidence 401, and admissible under Federal Rule of Evidence 901, subject to my testimony or metadata analysis if required by the Court.

### **Purpose of the Video Evidence**

The recordings were made to provide irrefutable proof of service, given the defendants’ pattern of denying service in this litigation. The videos rebut false assertions by the defendants and Supervising Clerk Alicia Kaye that service was not effectuated.

## Legal Compliance

The service and recording were conducted in strict adherence to:

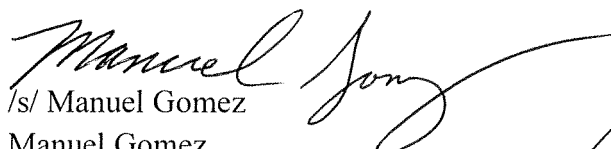
- **FRCP Rule 4(e)**: Authorizes service by delivering a copy of the summons and complaint to an authorized agent.
- **CPLR § 308(2)**: Permits substituted service by delivery to a person of suitable age and discretion at the individual's actual place of business, followed by mailing. Supervising Clerk Alicia Kaye, as an agent authorized to accept service for court-related matters, was an appropriate recipient.
- **New York Penal Law § 250.00, § 250.05**: Allows recording in a public area under one-party consent.
- **22 NYCRR § 29.1**: Permits recordings in public areas of courthouses absent specific prohibitions.

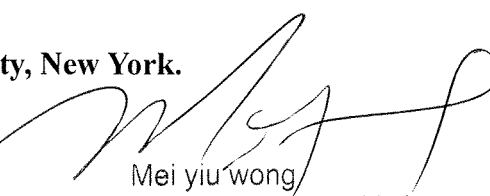
The courthouse, as the judges' actual place of business, was an appropriate location for service, and the mailing of documents on the same date ensured compliance with substituted service requirements.

## Declaration

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct to the best of my knowledge and belief. The video recordings titled "Chief Clerk Being Served 11-18-2024.mp4" and "Service\_Judicial Defendants Full 11-18-2024.mp4" are true and accurate depictions of the service of process on November 18, 2024, and have not been altered. The critical moment of delivery to Supervising Clerk Alicia Kaye, as described, is clearly captured and verifiable. I am prepared to provide testimony or additional documentation, to further authenticate the videos if required by the Court.

**Executed on this 10th day of July, 2025, in New City, New York.**

  
/s/ Manuel Gomez  
Manuel Gomez  
Licensed Private Investigator  
Black Ops Private Investigators

  
Mei yiu wong  
Notary Public, State of New York  
Reg. No. 01WO0028085  
Qualified in Bronx County  
Commission Expires 08/20/2028  
July 10, 2025

**Sworn to before me this 10th day of July, 2025**

Notary Public, State of New York